

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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Appeal No. 199/2021/SCIC

Shri. Jawaharlal T. Shetye,
H.No. 35/A, Ward No. 11,
Khorlim, Mapusa-Goa.
403507.

.....Appellant

V/S

1. Public Information Officer,
Mapusa Municipal Council,
Mapusa-Goa. 403507.

2. First Appellate Authority/The Chief Officer,
Mapusa Municipal Council,
Mapusa-Goa. 403507.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 20/08/2021

Decided on: 29/04/2022

ORDER

Matter called out.

Appellant, Jawaharlal T. Shetye present in person. The then PIO Shri. Vyankatesh Sawant appeared and submitted that he is no more attached to the office of Mapusa Municipal Council and that he is transferred to Corporation of the City of Panaji vide order No. 13/ENG/2019-DMA/Part/3518 dated 22/12/2021.

On going through the records it shows that First Appellate Authority (FAA) neither heard the first appeal of the Appellant nor passed any reasoned order.

Under section 19(6) of the Act, the FAA should dispose off the first appeal within the period of 30 days of the receipt of the first appeal. In exceptional cases, the appellate authority may take 45 days to dispose off the appeal with showing reasonable cause for delay in deciding the appeal.

Deciding the appeal under the Act is a quasi-judicial function and it is necessary that FAA should have decided the appeal with a speaking order giving the justification for the decision arrived at. However the FAA in the present matter failed and neglected to hear the matter, which is not in consonance with the provisions of the Act, thus violating the mandate of the Act. The FAA has failed to perform his obligation under the Act, the Commission therefore warns that henceforth FAA should discharge his duties with more diligent manner and in true letter and spirit of the law.

In view of above, the matter is remanded back to the FAA to hear the matter a fresh and consider its merit and pass the appropriate order within 30 days. Parties to appear before the FAA.

- Proceeding closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner